

REMARKS

This is a response to the Office Action mailed August 31, 2004 in relation to the above-identified patent application. Claims 1-16 and 18 are presently pending. Claims 17 and 19 have been withdrawn from consideration as the result of an election made in response to a Restriction Requirement. Claims 1, 8, 13, and 18 have been amended by this amendment.

In the Office Action, the Examiner rejected claims 1, 5-9, 11-16 and 18 under 35 U.S.C. 102(a) as being anticipated by Wright, et al; rejected claims 1, 6, 9-15, and 18 under 35 U.S.C. 102(b) as being anticipated by Lundbeck; and rejected claims 2-4 under 35 U.S.C. 103(a) as being unpatentable over Wright, et al. in view of Pierotti.

The Wright patent reference discloses a neck leash device for retaining eye wear with a resilient leash portion approximately thirty four inches long, a pair of adjustment beads, one for adjusting the leash around the users neck and the other for adjusting the leash around the users head, a leash to eyeglass attachment, the attachment comprised of a length of resilient tubing terminating at one end in a first plastic fastener, the opposite end capable of retaining the ear piece of a pair of glasses, and a mating second plastic fastener that attaches to each end of said leash portion, said mating first and second fasteners comprised of resilient plastic material so that they can snap together and detach from each other in an emergency. A preferred embodiment includes wherein said leash portion is constructed of a Lycra covered neoprene strip where said strip is folded over and sewn so that said leash has a hollow portion traveling its entire length. The user is provided with a plurality of first fasteners, each with a different diameter resilient tubing, so that the user can choose a fastener that will snuggly fit to the ear pieces of said eye glasses.

The Lundbeck patent reference discloses an eyewear retainer of elastic-type material comprised of a first elongated strap that fits around the head of a person and containing closed loops at each end for engaging the bows of a eyewear; a second elongated strap that fits around the neck of a person and connecting to a third connecting strap which engages the midsection of the first and second straps. Mating pieces of hook and loop

LAW OFFICES OF
MACPHERSON KWOK CHEN &
HEID LLP
2402 MONTANA AVE.
SUITE 210
IRVINE, CA 92612
(714) 752-7049
FAX (714) 752-7049

fasteners are provided at the ends of said third connecting strap for engagement with said first and said second straps, and on the ends of said first strap for engagement with the eyewear.

The Pierotti reference discloses toric-shaped see through lenses used in eyewear. The lenses have a substantially constant thickness and having base curve with a substantially constant radius of curvature of at least 15 mm and preferably in the range of 19-23 mm. The toric lenses may be supported in a frame formed of either rigid or flexible material and attached to a strap assembly adaptable to be worn by the user. Optionally, each of the lenses may be supported by a flanged member and ventilation passages preferably extending through the frame and/or the lenses to allow air to circulate around the lenses.

According to one aspect, the present invention comprises glasses for use in sports activities, wherein the glasses comprise a frame, at least one lens formed to the frame, a strap formed to the frame and configured to inhibit the glasses from falling off of a wearer, a leash formed to the strap, and a collar formed to the leash. The strap, the leash, and/or the collar are sufficiently buoyant so as to float a pair of glasses.

According to another aspect, the present invention comprises a least assembly for glasses, wherein the lease assembly comprises a leash configured to attach to glasses and a collar formed to the leash. The leash and/or the collar is sufficiently buoyant so as to float a pair of glasses.

According to another aspect, the present invention comprises a leash assembly for glasses, wherein the leash assembly comprises a strap and a leash. The strap is sufficiently buoyant so as to float a pair of glasses.

According to another aspect, the present invention comprises a method for making glasses for use in sports activities, wherein the method comprises providing a frame, forming at least one lens to the frame, forming at least one strap to the frame, forming a

LAW OFFICES OF
MACPHERSON KWOK CHEN &
REID LLP
2ND MICHELSON DRIVE
SUITE 210
IRVINE CA 92612
(714) 752-5400
FAX (714) 752-5409

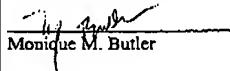
leash to the frame, and forming a collar to the leash. The strap, the leash, and/or the collar are sufficiently buoyant so as to float a pair of glasses.

It is respectfully submitted that none of the cited references, taken either alone or in combination with one another, either disclose or make obvious the use of a strap, leash, and/or collar that are sufficiently buoyant so as to float a pair of glasses, as substantially recited in amended independent claims 1, 13, 16, and 18.

In view of the foregoing, it is respectfully submitted that all of the pending claims are in condition for immediate allowance. Reconsideration and an early allowance are respectfully requested.

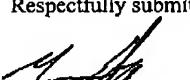
Certification of Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.


Monique M. Butler

November 29, 2004
Date of Signature

Respectfully submitted,


Norman E. Carte
Agent for Applicant
Reg. No. 30,455

LAW OFFICES OF
MACPHERSON KWOK CHEN &
HELD LLP
340 MICHELSON DRIVE
SUITE 210
IRVINE, CALIFORNIA 92612
(714) 752-7040
FAX (714) 752-7049